

**IN THE UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION**

JASON LEE VAN DYKE,	§	
<i>Plaintiff,</i>	§	
v.	§	
	§	
THOMAS CHRISTOPHER	§	NO. 4:18-CV-247-ALM
RETZLAFF, a/k/a DEAN	§	
ANDERSON, d/b/a BV FILES, VIA	§	
VIAVIEW FILES, L.L.C., and VIAVIEW	§	
FILES,	§	
<i>Defendants</i>	§	

**RETZLAFF'S OPPOSITION TO PLAINTIFF'S MOTION TO WITHDRAW
DISMISSAL MOTION**

Defendant Thomas Retzlaff files his opposition to plaintiff's motion to withdraw his dismissal motion. (Doc. 86).

I. INTRODUCTION

1. Plaintiff is Jason Van Dyke; defendants are Thomas Retzlaff, a/k/a Dean Anderson, d/b/a BV Files, Via View Files, L.L.C., and ViaView Files.¹

2. On July 30, 2018, Retzlaff appealed from this Court's order holding that the Texas Citizens Participation Act does not apply in federal court.

3. This Court stayed all proceedings pending resolution of the Retzlaff's appeal docketed as No. 18-40710; *Van Dyke v. Retzlaff*; in the U.S. Court of Appeals for the Fifth Circuit. (Doc. 79.) As of the date of this response, the appeal has not been resolved. The Court's stay remains in effect.

¹ The "a/k/a" and "d/b/a" designations are plaintiff's. No evidence establishes that these defendants are alter egos of Retzlaff.

II. ARGUMENT & AUTHORITIES

4. The ground proffered for plaintiff's December 3, 2018, motion for "court-ordered dismissal" of all claims against Retzlaff (Doc. 84) was:

Plaintiff wishes to dismiss this lawsuit because he is of the opinion that, short of locking Defendant in a prison cell for the rest of his natural life, there is nothing that this or any other court can do that will stop Defendant from continuing to harass Plaintiff. There is no resolution of this case that will stop Defendant's behavior.

(Doc. 84, ¶ 6.) Retzlaff responded by noting that he "respectfully decline[d] to withdraw Retzlaff's motion to dismiss under the Texas Citizens Participation Act." (Doc. 85, ¶ 4.) Retzlaff also filed a partial joinder in plaintiff's motion for court-ordered dismissal and requested that the dismissal be with prejudice. (Doc. 85, ¶ 5.) The Court has not ruled on plaintiff's motion for court-ordered dismissal.

5. Seven months after filing his dismissal motion, plaintiff has now changed his mind and seeks to withdraw the motion. This smacks of gamesmanship by plaintiff. In retaliation for Retzlaff's having filed several criminal complaints and grievances with state bar disciplinary authorities—most or all of which have resulted in criminal prosecutions or the imposition of discipline (*see* the 21 exhibits appended to Doc. 92)—plaintiff's retaliation is to attempt to "undismiss" the claims sought to be extinguished in plaintiff's dismissal motion. The Court should not allow itself to made plaintiff's unwitting accomplice in continuing to prosecute plaintiff's vendetta against Retzlaff.

III. CONCLUSION & PRAYER

6. Nothing has changed since plaintiff filed his motion for “court-ordered dismissal” of all claims against Retzlaff on December 3, 2018. For these reasons, defendant Thomas Retzlaff prays the Court to deny plaintiff’s motion to withdraw his dismissal motion, and for such other and further relief, at law or in equity, as to which Retzlaff shall show himself justly entitled.

Respectfully submitted,

HANSZEN LAPORTE

By: /s/ Jeffrey L. Dorrell

JEFFREY L. DORRELL

Texas Bar No. 00787386

Federal ID #18465

jdorrell@hanszenlaporte.com

14201 Memorial Drive

Houston, Texas 77079

Telephone 713-522-9444

FAX: 713-524-2580

ATTORNEYS FOR DEFENDANT THOMAS RETZLAFF

CERTIFICATE OF SERVICE

I certify that on 7-16, 2019, the foregoing was electronically filed using the Court's CM/ECF filing system, which will provide notice and a copy of this document to the following if a registered ECF filer in the United States District Court for the Eastern District of Texas, Sherman Division.

Mr. Jason Lee Van Dyke
Plaintiff, Pro Se
P.O. Box 2618
Decatur, Texas 76234
Telephone: 940-305-9242
jasonleevandyke@protonmail.com

/s/ Jeffrey L. Dorrell
JEFFREY L. DORRELL